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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		5577-115CX	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 on March 22, 2006.		Application Number	Filed
		09/207,945	12/9/98
Signature <u>Michele P. McMahan</u>		First Named Inventor	
		Nguyen et al.	
Typed or printed name <u>Michele P. McMahan</u>		Art Unit	Examiner
		2178	T. Huynh
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u>D. Randal Ayers</u>	
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		D. Randal Ayers	
		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,493</u>		919-854-1400	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		March 22, 2006	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 22 2006

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2178Attorney's Docket No. 5577-115.CXPATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Nguyen et al.

Serial No.: 09/207,945

Filed: December 9, 1998

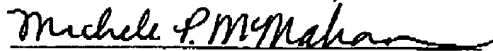
For: SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR
ASSOCIATING DYNAMICALLY GENERATED WEB PAGE CONTENT WITH
WEB SITE VISITORS

Group: 2178

Confirmation No.: 7467

Examiner: T. Huynh

March 22, 2006

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UNDER 37 CFR § 1.8I hereby certify that this correspondence is being facsimile
transmitted to the U.S. Patent and Trademark Office via facsimile
number 571-273-8300 on March 22, 2006.
Michele P. McMahanREASONS IN SUPPORT OF APPLICANTS'
PRE-APPEAL BRIEF REQUEST FOR REVIEW

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

It is not believed that an extension of time and/or additional fee(s) are due. If any additional fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is authorized to charge any additional fee which may be required, or credit any refund, to our Deposit Account No. 09-0461.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review of Claims 1-48, which stand finally rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,128,663 to Thomas ("Thomas") in view of U.S. Patent Publication No. 2003/0093384 A1 to Durst Jr., et. al. ("Durst") and U.S. Patent Publication No. 2001/0032254 A1 to Hawkins.¹

Independent Claim 1 recites:

¹ The rejections of Claims 7, 23 and 39 further rely on U.S. Patent No. 5,991,735 to Gerace.

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1. A method of associating dynamically generated Web page content with a user who requests a Web page from a Web server, wherein the user makes the Web page request via a Web client in communication with the Web server, the method comprising the following steps performed by the Web server:

storing a record of the user request within a Web server log;

generating the requested Web page, wherein the generated Web page includes a content object having a unique identifier associated therewith, wherein the unique identifier is generated via a hashing function;

serving the generated Web page to the Web client; and

appending the stored record of the user request with the unique identifier associated with the content object included within the generated Web page.

The Final Office Action ("Final Action") cites to Thomas as teaching each of the recitations of Claim 1 except for (1) the web server log (which is allegedly taught by Durst) and (2) generating the unique identifier via a hashing function (which is allegedly taught by Hawkins). (Final Action, pp. 2-3). However, as shown below, the cited references fail to disclose multiple elements of each pending claim, and hence the combination of the cited references fails to establish *prima facie* rejections under 35 U.S.C. § 103. Accordingly, Applicants respectfully request review of the pending rejections. Applicants reserve the right to argue additional grounds for withdrawal of the pending rejections on appeal.

I. Thomas Does Not Teach Storing a Record of a User Request

Claim 1 recites "storing a record of the user request within a Web server log." The Final Action states that Thomas, at Col. 4, lines 23-52, teaches "storing a record of a user request within a web server." (Final Action, p. 3). The cited portion of Thomas states:

[T]he remote server encourages the user to login to or register with one of its web pages so that the remote server can identify the user against its database of users. Once the user is identified, the remote server determines or retrieves an appropriate demographic identifier for the user. . . . [O]nce the appropriate demographic identifier is known, it can be transmitted between remote servers and/or between a local browser and a remote server in various ways. One way is to embed the demographic identifier into the pages delivered by the remote server to the local browser.

(Thomas at Col. 4, lines 26-43). Thus, Thomas discloses that (1) a user can login to a web page of the remote server, (2) the server retrieves a demographic identifier for the user and (3) the demographic identifier may be appended to a delivered web page. Thus, in Thomas, the information that is obtained (and possibly stored) is **user demographic information**. However, as the preamble and first clause of Claim 1 make clear, the recitation "storing a

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record of the user request" refers to storing a record of a user's request for a Web page. While the demographic information of Thomas may be appended to a request for a web page, Thomas does not suggest that the remote server stores the request for the web page anywhere. In fact, the Advisory Action as much as concedes this by stating that "it is noted that in order to receive the demographic identifier and the request information, such information must [be] stored (in memory of the server)." (Advisory Action, p. 2). While it is possible that the remote server of Thomas might transiently copy a web page address into memory in retrieving a requested web page, this would not comprise "storing a record of the user's request", let alone storing a record of the request "within a Web server log" as recited in Claim 1. Consequently, as Thomas does not teach or disclose "storing a record of a user request within a web server", the rejection of Claim 1 should be withdrawn.

II. Durst and Thomas Cannot Properly Be Combined

The Final Action concedes that "Thomas does not explicitly disclose [that the record of a user request is stored in a] web server log." (Final Action, p. 3). In order to supply the missing teaching, the Final Action cites to Durst as teaching that "demographic and user information is stored in a web server log." (*Id.*). Even if Durst actually disclosed storing "a record of a user's request [for a web page] within a Web server log" as recited in Claim 1 (which Applicants dispute), there clearly is no motivation to combine Thomas and Durst in the manner suggested. As discussed above, the system of Thomas does not use or store a record of a user's request for a web page. Instead, the system of Thomas selects content objects using demographic information. As such, in the system of Thomas there is no reason to store records of user's web page requests, and one of skill in the art would not have been motivated to modify the system of Thomas based on Durst. Moreover, Thomas is directed to methods for "customization of information content provided to a requestor over a network", whereas Durst is directed to a "scanner enhanced remote control unit and system for automatically linking to online resources." With all due respect, the combination of these two disparate and unrelated references appears to be a classic "hindsight" rejection, wherein the present application is read and understood and an attempt is made to selectively build the invention from the prior art based on this understanding.

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III. Thomas Fails to Teach Appending Content Identifiers to Stored Records of User Requests

Claim 1 also recites "appending the stored record of the user request with the unique identifier associated with the content object." Thus, in the method of Claim 1, unique identifiers that are associated with content objects (e.g., a web page banner) are appended to the record in the log file of the users request for a web page.

The Final Action is internally inconsistent in identifying the portion of Thomas that allegedly discloses the "appending" recitation of Claim 1. The Final Action first points to Col. 7, lines 18-30 of Thomas as disclosing the "appending" recitation. (Final Action, p. 3). However, what this portion of Thomas discusses is appending demographic information to the actual request for a web page that is sent to the server. The cited portion of Thomas does not disclose appending a unique identifier that is associated with the content objects to anything, as the demographic information is (1) not a "unique identifier" and (2) is not "associated with the content objects." Moreover, the demographic information is appended to a request for a web page. In contrast, what the last clause of Claim 1 recites is that the unique identifiers are appended to a record in a log file. Accordingly, the first cited portion of Thomas fails to teach three different aspects of the "appending" recitation.

The Response to Arguments section of the Final Action cites to Col. 4, lines 49-51 and Col. 5, line 15 through Col. 6, line 40 of Thomas as disclosing the "appending" recitation of Claim 1. (Final Action, p. 10). The Final Action contends that these portions of Thomas disclose (1) that a user requests a second HTML web page 104 via a hyperlink button 108 on a first HTML web page, (2) that a record of the user who requests the web page is stored along with demographic information on the user, (3) the user clicks on the hyperlink 110 to send the user's request for the first HTML web page to the remote server with the demographic information appended thereto so that the first server can display the requested web page to the user with an appropriate advertising banner that is selected based on the demographic information. (*Id.*). These portions of Thomas fail to disclose the "appending" recitation of Claim 1 for at least two independent reasons.

First, what Claim 1 states is that a "unique identifier" is appended to the stored record of a user's request for a web page. The rejection points to the demographic information as the appended information. However, in Thomas, the demographic information is appended to the actual request for a web page that is sent to the server. An actual request for a web page

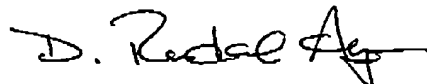
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is very different from a stored record of a user's request, which is what Claim 1 recites the unique identifier is appended to.

Second, the demographic information of Thomas (e.g., a particular user's interests, preferences, hobbies, preferred greeting name, etc.; see Thomas at Col. 4, lines 16-20) does not comprise a "unique identifier associated with the content object included within the generated Web page" as recited in Claim 1. While Applicants will not debate here whether or not such demographic information comprises a "unique identifier", it is unquestionably the case that the demographic information is not a "unique identifier associated with the content object included within the generated Web page." Instead, the demographic information is associated with a particular user. There is no teaching in Thomas that particular demographic information will always result in the selection of the same content object or is associated with a particular content object such that it comprises a unique identifier. This provides a second, independent basis for withdrawal of the pending rejections.

As shown above, the cited references, even when combined, fail to disclose several of the recitations of independent Claim 1. The cited references also cannot properly be combined as set forth in the rejections. For each of these reasons, the Final Action fail to establish *prima facie* rejections under 35 U.S.C. § 103. Moreover, each of the remaining independent claims include each of the above-discussed recitations of Claim 1. Accordingly, Claims 2-48 are also patentable over the cited art for at least the reasons that Claim 1 is patentable. Therefore, Applicants respectfully request that the rejections be reversed by the appeal conference prior to the filing of an Appeal Brief.

Respectfully submitted,



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